

HOUSE BILL 649

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

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AN ACT

RELATING TO TAXATION; INCREASING THE MOTOR VEHICLE EXCISE TAX;
MAKING DISTRIBUTIONS; CREATING THE STATE TRANSIT FUND; MAKING
AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 7-14-4 NMSA 1978 (being Laws 1988,
Chapter 73, Section 14) is amended to read:

"7-14-4. DETERMINATION OF AMOUNT OF MOTOR VEHICLE EXCISE
TAX.--The rate of the motor vehicle excise tax is [~~three~~] four
percent and is applied to the price paid for the vehicle. If
the price paid does not represent the value of the vehicle in
the condition that existed at the time it was acquired, the tax
rate shall be applied to the reasonable value of the vehicle in
such condition at such time. However, allowances granted for
vehicle trade-ins may be deducted from the price paid or the

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1 reasonable value of the vehicle purchased."

2 Section 2. Section 7-14-10 NMSA 1978 (being Laws 1988,
3 Chapter 73, Section 20, as amended) is amended to read:

4 "7-14-10. MOTOR VEHICLE SUSPENSE FUND--DISTRIBUTION OF
5 PROCEEDS.--~~[The receipts from the tax and any associated~~
6 ~~interest and penalties shall be deposited in the "motor vehicle~~
7 ~~suspense fund", hereby created in the state treasury. As of~~
8 ~~the end of each month, the net receipts attributable to the tax~~
9 ~~and associated penalties and interest shall be distributed to~~
10 ~~the general fund.]~~

11 A. The receipts from the tax and any associated
12 interest and penalties shall be deposited in the motor vehicle
13 suspense fund, created in Section 66-6-22.1 NMSA 1978.

14 B. By the end of each month:

15 (1) one-fourth of the net receipts
16 attributable to the tax deposited in the motor vehicle suspense
17 fund shall be distributed to the state transit fund; and

18 (2) three-fourths of the net receipts
19 attributable to the tax deposited in the motor vehicle suspense
20 fund shall be distributed to the general fund.

21 C. By the end of each month, all of the penalties
22 and interest associated with the tax shall be distributed to
23 the general fund.

24 D. By the end of each month, all earnings on the
25 motor vehicle suspense fund attributable to the tax shall be

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1 distributed to the general fund."

2 Section 3. A new section of Chapter 65 NMSA 1978 is
3 enacted to read:

4 "[NEW MATERIAL] STATE TRANSIT FUND--CREATED--PURPOSE--
5 SOURCE OF FUNDS--ADMINISTRATION.--

6 A. The "state transit fund" is created in the state
7 treasury. The fund shall be administered by the department.

8 B. The state transit fund shall consist of
9 appropriations made by the legislature, distributions from the
10 federal government, gifts, grants, donations, bequests and the
11 net receipts of the motor vehicle excise tax allocated to the
12 state transit fund. Earnings on the fund shall be credited to
13 the fund.

14 C. Money in the state transit fund is appropriated
15 to the department and shall be used in the following
16 percentages and for the following purposes:

17 (1) twenty-five hundredths percent for
18 administration of the fund and for programs receiving money
19 from the fund;

20 (2) ten percent for special needs
21 transportation for the elderly and for individuals with a
22 disability, pursuant to a funding distribution plan developed
23 by the department;

24 (3) sixty percent, pursuant to guidelines
25 established by the department, for public transit service

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1 providers that are eligible entities as follows:

2 (a) for a regional transit district, the
3 distribution shall be in an amount equal to the percent
4 represented by the regional transit district's population when
5 compared to the population of the state; and

6 (b) for eligible entities that are not
7 located within a regional transit district, the distribution
8 shall be in an amount equal to the percent represented by the
9 population of the service area of the transit provider when
10 compared to the population of the state;

11 (4) fourteen and eighty-eight hundredths
12 percent for department park-and-ride services; and

13 (5) fourteen and eighty-seven hundredths
14 percent to the rio metro regional transit district for commuter
15 rail services, of which:

16 (a) three-fourths is for operations,
17 maintenance or direct service functions; and

18 (b) one-fourth is for commuter rail
19 planning and development.

20 D. A municipality, county or tribe that is located
21 within a regional transit district shall only receive funds
22 from the state transit fund from money distributed to the
23 regional transit district in which the municipality, county or
24 tribe is located.

25 E. Expenditures that may be made from the state

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1 transit fund for special needs transportation of persons who
2 are elderly or individuals with a disability, public transit
3 service, department park and ride service and commuter rail
4 service include expenditures for operating, maintaining,
5 administering, managing, acquiring capital, construction or
6 reconstruction of facilities, contracting for transit services
7 and acquisition of land or rights of way.

8 F. Expenditures that may be made from the state
9 transit fund for commuter rail service planning include
10 expenditures for planning, designing, consultant services,
11 legal services, administration, management, engineering and
12 acquisition of land or rights of way.

13 G. As used in this section:

14 (1) "department" means the department of
15 transportation;

16 (2) "eligible entity" means an entity that
17 provides public transportation services and may receive money
18 from the state transit fund either directly or indirectly
19 through a regional transit district, and includes a regional
20 transit district, county, municipality or tribe;

21 (3) "individual with a disability" means an
22 individual who because of illness, injury, age, congenital
23 malfunction or other incapacity or temporary or permanent
24 disability, including a person who is a wheelchair user or has
25 semi-ambulatory capability, is unable to effectively use a

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1 public transportation service or facility without special
2 facilities, planning or design;

3 (4) "regional transit district" means a
4 political subdivision of the state created pursuant to the
5 Regional Transit District Act that may include counties,
6 municipalities and tribes; and

7 (5) "tribe" means a federally recognized
8 Indian nation, tribe or pueblo located wholly or partially
9 within New Mexico.

10 H. Any unexpended or unencumbered balance remaining
11 in the state transit fund at the end of a fiscal year shall not
12 revert to the general fund but shall remain in the fund."

13 Section 4. EFFECTIVE DATE.--The effective date of the
14 provisions of this act is July 1, 2009.